



November 8, 2010

Alison Hess, RPM  
U.S. Environmental Protection Agency  
Region II – Eastern NY Remediation Section  
Emergency and Remedial Response Division  
290 Broadway, 20<sup>th</sup> Floor  
New York City, NY 10007-1866

Ms. Kimberly Staiger, OSC  
U.S. Environmental Protection Agency  
Region II – Removal Action Branch  
2890 Woodbridge Avenue, Building 209, MS-211  
Edison, NJ 08837-3679

**Re: Removal Action – Proposed Modification to Work and Schedule  
Settlement Agreement and Order on Consent for Removal Action 02-2010-2012  
Standard Chlorine Chemical Co. Inc. Site (Site)  
Kearny, New Jersey**

Dear Ms. Hess and Ms. Staiger:

Key Environmental Inc. (KEY), on behalf of Standard Chlorine Chemical Co. Inc. and Beazer East, Inc. (the Respondents), respectfully requests modifications to the work described in the Settlement Agreement and Order on Consent for Removal Action (Agreement and Order) between the U.S. Environmental Protection Agency (EPA) and the Respondents dated July 7, 2010 and the schedule for submittal of the final report. As described below, the proposed modification is necessary due to the changes in Site conditions that have occurred since the execution of the Agreement and Order. However, we believe that this modification, in conjunction with the building sealing work already performed, will meet the intent of the Agreement and Order.

**Proposed Modification to Work**

Section 44 (iii) of the Agreement and Order describes the work and states:

***“iii. Maintain and replace as necessary the existing fence around buildings on the Eastern portion of the Site.” (Emphasis supplied).***

For the reasons set forth below, we request EPA's confirmation that replacement is no longer necessary under current site conditions. The fence around the Eastern portion of the Site was an interior secondary fence that surrounded the former process area and Buildings 16 through 21. Two sides of this secondary fence (east and south) and a portion of the northern fence have been necessarily removed to permit the construction of the Interim Remedial Action (IRA) sheet pile and slurry wall and consolidation areas (refer to Figure 1). Perimeter chain link fence is present

along the remaining portion of the northern side of the Site between SCCC and the Diamond Site and along the western side of the Eastern area paralleling the right-of-way. This western fence abuts the wide drainage ditch along the southern boundary of the Site.

In consideration of the ongoing IRA construction, KEY believes that the replacement of the interior fence along the eastern and southern boundaries of the former process area is not necessary or practicable at this time for the following reasons:

- Construction of the IRA is currently underway and the presence of a significant workforce will certainly deter any trespassing during work hours. During non-working hours, full-time security is provided by the Construction Contractor.
- Access from the eastern side of the Site is now prevented by the presence of a more than 6-foot high sheet pile wall (elevation 3.38 feet mean sea level (msl) and the top cut at elevation 10 feet msl) that has been installed along the entire Site waterfront.
- A portion of the northern fence cannot be replaced at this time due to the pending demolition of Buildings 19 and 20 and subsequent slurry wall installation.
- The southern fence cannot be replaced at this time due to the ongoing construction of the SCCC Site Consolidation Area. However, access from the south is deterred by the presence of the southern drainage ditch (one would have to traverse the drainage ditch to access the Site from the south).

Also, we believe it is important to note that demolition of the Process Buildings identified in the Agreement and Order is scheduled to follow the completion of the IRA in the spring of 2011. Upon completion, the Eastern Portion of the Site will be level, cleared of any brush and structures.

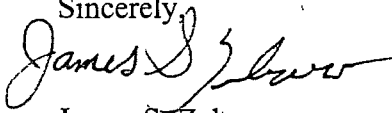
In closing, KEY believes that existing fence (to the north and west), the drainage ditch (to the south) and IRA sheet pile wall (to the east) around the perimeter of the Eastern portion of the Site, the full time presence of workers or security personnel and the completion of the building sealing work all combine to fulfill the intent of the Agreement and Order to mitigate any potential for existing and future exposure or release to public health and welfare and the environment from materials that may be present inside of the former process buildings.

#### **Proposed Modification to the Schedule**

Submittal of the final report as shown on the currently approved schedule is to occur on or before November 18, 2010. Completion of the on-site Site work was delayed due to inclement weather over a five day period from Thursday, September 30, through Monday, October 4. KEY respectfully requests an extension to the due date of the final report to November 23, 2010 to compensate for this delay. This extension request is for three working days and is commensurate with the amount of time lost during site work due to bad weather.

KEY greatly appreciates EPA's consideration of these requests. If you have questions regarding this correspondence, please contact me at (412) 279-3363 or [jzubrow@keyenvir.com](mailto:jzubrow@keyenvir.com).

Sincerely,



James S. Zubrow  
Project Coordinator

cc: S. Flanagan – EPA Region II (electronic copy)  
C. Kanakis – New Jersey Department of Environmental Protection  
M. Kelly – SCCC (electronic copy)  
C. McChesney – Beazer (electronic copy)  
M. Brouman – Beazer (electronic copy)  
L. Mills – Drinker Biddle & Reath (electronic copy)  
E. Castro – Tierra Solutions, Inc. (electronic copy)  
G. Coscia – Langan (electronic copy)





**BLOCK 287**  
0.399 ACRES

DEED BETWEEN THE HUDSON COUNTY IMPROVEMENT AUTHORITY AND CHEMICAL LAND HOLDINGS, INC., DATED DECEMBER 8, 1992 AND BEING RECORDED IN THE HUDSON COUNTY CLERKS OFFICE ON FEBRUARY 8, 1993 IN DEED BOOK 4573, PAGE 343

TRAILERS ARE ABOUT 100' WEST OF DRAWING LIMIT  
IRON PIN FOUND  
D.B. 2910, PG. 620, PARCEL 1  
POINT OF BEGINNING  
TAX LOT 48, BLOCK 287  
DESCRIPTION POINT OF BEGINNING  
N:698,832.312  
E:2,157,483.054

APPROXIMATELY 20' OF FENCE REMOVED, TO BE REPLACED AT END OF IRA

APPROXIMATELY 20' OF FENCE REMOVED, TO BE REPLACED AT END OF IRA

IRON PIN SET  
B. 2910, PG. 620, PARCEL 4  
POINT OF BEGINNING  
TAX LOT 51, BLOCK 287  
DESCRIPTION POINT OF BEGINNING  
N:698,519.607  
E:2,157,281.596

**TAX LOT 51  
BLOCK 287**  
2.334 ACRES

DEED BETWEEN KOPPERS COMPANY, INC. AND STANDARD NAPHTHALENE PRODUCTS CO., INC., DATED AUGUST 13, 1962 AND BEING FILED IN THE HUDSON COUNTY CLERKS OFFICE ON AUGUST 23, 1962 IN DEED BOOK 2910, PG. 620. PARCEL 4

D.B. 2425, PG. 165, THIRD TRACT  
POINT OF BEGINNING  
RAILROAD SPIKE SET  
D.B. 2910, PG. 620, PARCEL 2  
POINT OF BEGINNING  
TAX LOT 49, BLOCK 287  
DESCRIPTION POINT OF BEGINNING  
N:698,845.060  
E:2,157,510.791

IRON PIN SET  
D.B. 2910, PG. 620, PARCEL 3  
POINT OF BEGINNING  
TAX LOT 52, BLOCK 287  
DESCRIPTION POINT OF BEGINNING  
N:698,647.617  
E:2,157,560.114

**TAX LOT 52  
BLOCK 287**  
4.662 ACRES

DEED BETWEEN KOPPERS COMPANY, INC. AND STANDARD NAPHTHALENE PRODUCTS CO., INC., DATED AUGUST 13, 1962 AND BEING FILED IN THE HUDSON COUNTY CLERKS OFFICE ON AUGUST 23, 1962 IN DEED BOOK 2910, PG. 620. PARCEL 3

**TAX LOT 49  
BLOCK 287**  
2.319 ACRES

PORTION OF TAX LOT 49 BLOCK 287 CLAIMED AS TIDELANDS BY THE STATE OF NEW JERSEY 0.182 ACRES

DEED BETWEEN KOPPERS COMPANY, INC. AND STANDARD NAPHTHALENE PRODUCTS CO., INC., DATED AUGUST 13, 1962 AND BEING FILED IN THE HUDSON COUNTY CLERKS OFFICE ON AUGUST 23, 1962 IN DEED BOOK 2910, PG. 620. PARCEL 2

U.S. PIERHEAD & BULKHEAD LINE BASED ON ENDPOINTS OF LOT 52R & 47R RIPARIAN GRANTS

PORTION OF TAX LOT 52 BLOCK 287 CLAIMED AS TIDELANDS BY THE STATE OF NEW JERSEY 0.011 ACRES

**TAX LOT 52R  
BLOCK 287**  
0.582 ACRES

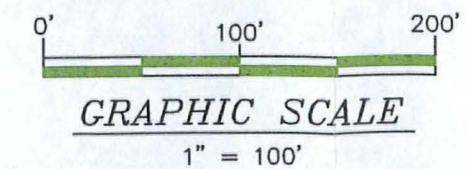
RIPARIAN GRANT FROM THE STATE OF NEW JERSEY BOARD OF COMMERCE AND NAVIGATION, RECORDED IN DEED BOOK 1534 PAGE 466, DATED 9/15/24. SAID GRANT RUNS FROM HIGH WATER TO THE UNITED STATES PIERHEAD & BULKHEAD LINE

IRON PIN SET AT INTERSECTION OF PROPERTY LINE AND NJ RIPARIAN CLAIM LINE PER REF#2

STATE OF NEW JERSEY RIPARIAN CLAIM LINE (SEE REFERENCE) (TYPICAL)

**LEGEND**

- FENCE REMOVED / NO LONGER PRESENT AROUND PROCESS AREA
- EXISTING FENCE / REMAINING FENCE
- PERIMETER FENCE



| REV # | DATE | DESCRIPTION | APPD |
|-------|------|-------------|------|
|       |      |             |      |
|       |      |             |      |
|       |      |             |      |

REFERENCE:

ISSUE DATE:  
KEY ENVIRONMENTAL, INC.  
200 THIRD AVENUE  
CARNEGIE, PA 15108

|  |                |
|--|----------------|
| PENINSULA RESTORATION GROUP                  |                |
| DRWN: TDD                                    | DATE: 11/01/10 |
| CHKD: TR                                     | DATE: 11/01/10 |
| APPD: JZ                                     | DATE: 11/01/10 |
| SCALE: AS SHOWN                              |                |
| SCCC EPA REMOVAL ORDER<br>KEARNY, NEW JERSEY |                |
| PROJECT NO: J0000X                           |                |
| FIGURE 1                                     |                |